



Federal Communications Commission
Washington, D.C. 20554

May 21, 2007

DA 07-2123

Released: May 21, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WKBW-TV License, Inc.
WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202

Re: WKBW-TV License, Inc.
WKBW-TV, Buffalo, NY
Facility ID No. 54176
File No. BRCT-20070131AIR

Dear Licensee:

This refers to your license renewal application for station WKBW-TV, Buffalo, NY.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),¹ each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).² The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Commission's Rules (the "Rules"), 47 C.F.R. § 73.3526(e)(11)(iii), requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. As set forth in Section 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports.

On January 31, 2007, you filed a license renewal application (FCC Form 303-S) for station WKBW-TV, Buffalo, New York (File No. BRCT-20070131AIR). In response to Section IV, Question 10 of that application, you stated that you failed to publicize the existence and location of the station's Children's Television Programming Reports, as set forth in Section

¹ Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

² 47 C.F.R. § 73.671.

73.3526(e)(11)(iii) of the Rules. In Exhibit 24, you indicated that in preparing the instant renewal application, you discovered that you had not publicized the existence and location of station WKBW-TV's Children's Television Programming Reports from the third quarter of 2004 until January 2007. You reported that upon discovery of this omission, you implemented procedures to ensure future compliance.

Further, in response to Section IV, Question 3 of the renewal application, you certified that, during the previous license term, station WKBW-TV failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17, you indicated that in preparing for the filing of the instant renewal application, you discovered that the Children's Television Programming Report for the first quarter of 2005 was missing from the public inspection file, although this report had been filed with the Commission. You stated that you placed a copy of the missing report in the public file in January 2007.

Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526(e)(11)(iii) of the Rules described in station WKBW-TV's renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to WKBW-TV License, Inc. at the address listed above, and to Tom W. Davidson, Esquire, Akin Gump Strauss Hauer & Feld LLP, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau